



U.S. Department
of Transportation
**Federal Highway
Administration**

**Federal Highway Administration
California Division**

July 9, 2009

650 Capitol Mall, Suite 4-100
Sacramento, CA 95814
(916) 498-5001
(916) 498-5008 (fax)

In Reply Refer To:
HDA-CA
Document # S52808

Mr. Will Kempton, Director
California Department of Transportation
1120 N Street
Sacramento, CA 95814

Attention: Federal Resources Office, M.S. 82
For Rachel Falsetti, Division of Transportation Programming

Dear Mr. Kempton:

SUBJECT: TCAG 2008/09 RTIP/FSTIP AMENDMENT NO. 9

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed the review of Amendment No. 9 to the Tulare County Association of Governments (TCAG) Federal Transportation Improvement Program (FTIP) that was submitted by your letter dated June 25, 2009. This amendment to TCAG's 2008/09 FTIP:

- Programs various projects in Tulare County. The amendment includes projects with funding from the Congestion Mitigation and Air Quality Program, State Transportation Improvement Program, Highway Railroad Grade Crossing and FTA Sections 5310 and 5311.

Pursuant to the July 15, 2004, *Memorandum of Understanding between the Federal Highway Administration, California Division, and the Federal Transit Administration, Region IX*, we accept the modifications to the 2008/09 – 2011/12 Federal Statewide Transportation Improvement Program (FSTIP) for the TCAG region in accordance with the Final Rule on Statewide and Metropolitan Transportation Planning published in the February 14, 2007 Federal Register. We find that the TCAG's 2008/09 FTIP, through Amendment No. 9, was developed through a continuing, cooperative and comprehensive transportation planning process carried out in accordance with the metropolitan planning provisions of 23 U.S.C. 134, and 49 U.S.C. Chapter 53 as amended by Section 6001 of Public Law 109-59, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

We have determined that this program modification is exempt from the regional emissions analysis requirements pursuant to the transportation conformity provisions found in 40 CFR Part



93. This finding has been coordinated with Region 9 of the Environmental Protection Agency (EPA) in accordance with the procedures outlined in the *National Memorandum of Understanding between DOT and EPA on Transportation Conformity*, dated April 25, 2000. Therefore, we find that the FTIP continues to conform to the applicable State Implementation Plan (SIP).

Based on our review of the lists of projects proposed for Recovery Act funding, we recommend that TCAG encourage the local agencies in the region to work closely with the Caltrans District Local Assistance Engineer (DLAE) to ensure the proposed Recovery Act projects listed in the FTIP/FSTIP are on located on a Federal-aid highway, specifically a highway or highways eligible for assistance under Chapter 1 of 23 U.S.C. other than highways classified as a local road or rural minor collector.

This approval is provided with the understanding that the FTA funding approval on the individual projects contained in the FSTIP are subject to grantees meeting all necessary FTA administrative requirements, and that approval of this programming action does not provide a federal eligibility determination for CMAQ projects or any other project funding source included in this amendment.

If you have questions or need additional information concerning our approval for this TCAG FSTIP amendment, please contact Scott Carson (scott.carson@dot.gov) of the FHWA California Division office at (916) 498-5029.

Sincerely,

/s/ Leslie T. Rogers

Leslie T. Rogers
Regional Administrator
Federal Transit Administration

/s/ Steve Luxenberg

For
Walter C. Waidehich Jr.
Division Administrator
Federal Highway Administration

cc: (e-mail)

Ray Sukys, FTA

Alex Smith, FTA

Garth Hopkins, Caltrans HQ

Dara Wheeler, Caltrans HQ

Ryan Ong, Caltrans HQ

Joanne McDermott, Caltrans HQ

Paul-Albert Marquez, Caltrans District 6

Karina O'Connor, EPA

cc: (other)

TCAG TIP Binder

SCarson/ac



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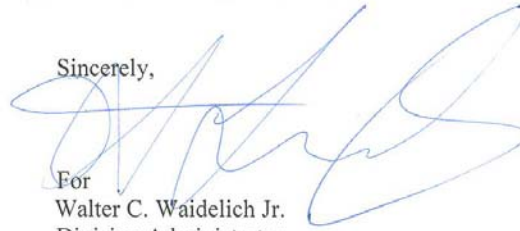
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/s/ **Leslie T. Rogers**

Leslie T. Rogers
Regional Administrator
Federal Transit Administration

Sincerely,

A handwritten signature in blue ink, appearing to read 'W. Waidehlich Jr.', is written over a horizontal line.

For
Walter C. Waidehlich Jr.
Division Administrator
Federal Highway Administration

cc: (e-mail)

Ray Sukys, FTA

Alex Smith, FTA

Garth Hopkins, Caltrans HQ

Dara Wheeler, Caltrans HQ

Ryan Ong, Caltrans HQ

Joanne McDermott, Caltrans HQ

Paul-Albert Marquez, Caltrans District 6

Karina O'Connor, EPA

cc: (other)

TCAG TIP Binder

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